

UNITED STATES DISTRICT COURT**District of New Mexico**

UNITED STATES OF AMERICA

V.

Frhancky C. Chaidez-Jimenez**Judgment in a Criminal Case**

(For Offenses Committed On or After November 1, 1987)

Case Number: 1:13CR01133-001JBUSM Number: **71652-051**Defense Attorney: **Margaret Katze, Appointed**

THE DEFENDANT:

- ☒ pleaded guilty to count(s) **Information**
- ☐ pleaded nolo contendere to count(s) which was accepted by the court.
- ☐ after a plea of not guilty was found guilty on count(s)

The defendant is adjudicated guilty of these offenses:

<i>Title and Section Nature of Offense</i>	<i>Offense Ended</i>	<i>Count Number(s)</i>
21 U.S.C. Sec. Possession with Intent to Distribute a Mixture and Substance Containing 841(b)(1)(C) Methamphetamine	03/22/2013	

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count .
- ☐ Count dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 17, 2013

Date of Imposition of Judgment

/s/ James O. Browning

Signature of Judge

Honorable James O. Browning
United States District Judge

Name and Title of Judge

December 13, 2013

Date Signed

Defendant: **Frhancky C. Chaidez-Jimenez**

Case Number: **1:13CR01133-001JB**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **46 months**.

The Court recommends that Immigration and Customs Enforcement begin removal proceedings during service of sentence.

For the reasons stated on the record at the sentencing hearing held October 17, 2013, the Court varies.

Pursuant to section 5D1.1(c), the Court will not impose a term of supervised release.

Pursuant to 18 U.S.C. 3553(a)(1)-(7), the Court has determined there exists the following sentencing factor(s) that warrant a sentence outside the applicable guideline range:

the nature and circumstances of the offense and the history and characteristics of the Defendant, pursuant to 18 U.S.C 3553(a)(1).

After evaluating the factors listed above, the Court finds the Defendant's son, Brandon, is diagnosed with Sickle Cell Disease and thalassemia and he requires constant medical care. The Defendant's wife provides care for their son, as well as for their two older children. Their son's medical needs does not allow the Defendant's wife to be employed. Although the defendant's family and his wife's family provide some support to their family, the Defendant's wife does not have sufficient funds to meet their expenses. The Defendant was the financial provider and helped care for their three children.

Based on these finding(s), the Court has determined a sentence below the advisory guideline imprisonment range will be reasonable and sufficient, but not greater than necessary, to accomplish the sentencing goals set forth at 18 U.S.C. 3553(a). The Court notes the defendant attempted to transport 7.4 kilograms of methamphetamine from California to Missouri.

☒ The court makes the following recommendations to the Bureau of Prisons:

Federal Correctional Institution Terminal Island, California, if eligible

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at on

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on

☐ as notified by the United States Marshal

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to
 _____ at _____ with a Certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

Defendant: **Frhancky C. Chaidez-Jimenez**
Case Number: **1:13CR01133-001JB**

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties in accordance with the schedule of payments.

☐ The Court hereby remits the defendant's Special Penalty Assessment; the fee is waived and no payment is required.

Totals:	Assessment	Fine	Restitution
	\$100.00	\$0.00	\$0.00

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

A ☒ In full immediately; or

B ☐ \$ immediately, balance due (see special instructions regarding payment of criminal monetary penalties).

Special instructions regarding the payment of criminal monetary penalties: Criminal monetary penalties are to be made payable by cashier's check, bank or postal money order to the U.S. District Court Clerk, 333 Lomas Blvd. NW, Albuquerque, New Mexico 87102 unless otherwise noted by the court. Payments must include defendant's name, current address, case number and type of payment.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States attorney.